

Adjudication Process

The Arizona Medical Board has an investigation/adjudication process that it uses in handling all complaints (except those in which it is alleged a physician poses an immediate threat to the public). This process has four separate stages: Findings, Recommendation, Processing, and Adjudication. This formalized process guarantees there are appropriate checks to ensure accuracy and completeness.

- Stage One - Findings -

Complaints against doctors originate from many sources: patients, patients' families, other physicians, other healthcare providers, other agencies, and medical malpractice insurers. The Board may also initiate a complaint on its own motion if it becomes aware of a possible violation of the Medical Practice Act.

When a complaint arrives at the Arizona Medical Board, Intake personnel initially determine if the Board has jurisdiction. The Board has jurisdiction when (a) a complaint is filed against a medical doctor, and, (b) the allegation(s) – if true – would violate the Medical Practice Act.

The complaint is assigned to a Lead Investigator who contacts the complainant, explains the process and serves as the contact person for the complainant and the physician. The Lead Investigator also notifies the physician of the complaint and requests a response.

The non-quality of care cases follow this same process, but without medical review. Quality of care cases involving treatment of patients always need a medical review. If the medical consultant assigned to a quality of care case cannot substantiate the allegation(s), the Chief Medical Consultant (CMC) forwards the case for dismissal. The Executive Director (ED) has the authority to dismiss cases. If the ED signs the dismissal letter, staff sends a copy to the doctor and the complainant, who has an opportunity to appeal the ED dismissal.

When a medical consultant opines there was a deviation from the standard of care, the physician receives a copy of the medical consultant's report and underlying documents. The physician is given an opportunity to respond to the specific allegation(s) and findings of the medical consultant.

- Stage Two - Recommendation -

In Stage Two, a recommendation for discipline or non-discipline is developed. This is accomplished by the three-member Staff Investigational Review Committee (SIRC). SIRC is comprised of the investigations office manager, the CMC and the quality assurance office manager. An assistant attorney general is also present for legal advice. SIRC considers all cases in which an allegation has been substantiated.

SIRC first analyzes the case to determine its accuracy and completeness. Each of the members must agree that the investigation is ready to move forward in the adjudication process, otherwise the case is returned for additional investigation. The assistant attorney general opines on whether due process has been met. At the end of the discussion, SIRC then develops a recommendation for disciplinary or non-disciplinary action.

- Stage Three - Processing -

If the SIRC recommendation is for license suspension or revocation, the ED may forward the case to the Office of Administrative Hearings (OAH). The ED may also refer cases to OAH that are too complex to be handled at a formal interview before the Board. An Administrative Law Judge conducts a formal hearing, and then submits his recommended order to the Board. The ED may refer all other cases to the Board for final disposition.

- Stage Four – Adjudication -

In the fourth stage, the Arizona Medical Board adjudicates the matter to determine whether the case warrants discipline. The Board holds meetings every other month at its offices in Scottsdale. During these meetings, the Board conducts an interview of the physician. After a presentation by Board staff summarizing the case, the physician can make a brief statement of up to five minutes, or choose to take questions from Board members and make remarks at the end of the questioning period. If the physician has legal representation, the attorney can also make brief summarizing comments to the Board.

The Board Chair then asks for a motion on the case. A Board member may move for a finding of unprofessional

conduct, citing the statutory provision that was violated, or make a motion for a dismissal. If the motion for dismissal passes, the case is complete and the complainant may not appeal the decision. If the motion for unprofessional conduct passes, the Board then discusses the appropriate disciplinary or non-disciplinary action. The Board may issue a non-disciplinary advisory letter, letter of reprimand, decree of censure, probation or any combination. The Board may also vote to summarily suspend or restrict the physician license. If the Board wants to revoke a license, the Board will refer the case to OAH for a formal hearing. Except for a summary suspension or referral to formal hearing, the physician has 35 days to appeal the Board's final order.